

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Richard W. Comerford Pro Se  
Plaintiff,

v.

C. A. No. 05-10439-WGY

Michael W. Steward et al  
Defendant,

**Plaintiff's Motion for Relief from Judgement or Order**

1. Pursuant to Rules 59(e) and 60(a) of the Federal Rule of Civil Procedure and Local Rule 7.1 Plaintiff respectfully moves this honorable Court to correct a clerical mistake in its show cause order dated 16 August 2005. In said order the court wrote in part in paragraph 2 on page 14: "the Court has ruled that Comerford, despite his later assertions to the contrary, voluntarily settled and voluntarily dismissed two of his previous claims. C.A. No. 97011962-WGY; 99-11712-WGY Docket No. 62."
2. In support of said motion plaintiff offers the following: a) This court has never ruled that plaintiff "voluntarily settled and voluntarily dismissed two of his previous claims"; b) As evidenced by the record this court did rule on or about 30 October 2001 that plaintiff was pro se in the consolidated action for cases numbered 97011962-WGY; 99-11712-WGY and 00-11671-WGY; c) Also as evidenced by the record no attorney has ever made an appearance in the

aforementioned actions as plaintiff's counsel after 30 October 2001; d) Also as evidenced by the record the plaintiff pro se did not and has not settled any claim from the aforementioned actions after 30 October 2001; e) Also as evidenced by the record Docket No. 62 does not contain an entry stating that plaintiff "voluntarily settled and voluntarily dismissed two of his previous claims"; f) Also as further evidenced by the record this court has never served on the plaintiff pro se an order dismissing the aforementioned cases; g) Finally as evidenced by the record no party has ever served on the plaintiff pro se a motion to dismiss or settle the aforementioned cases.

Respectfully submitted,



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Dated: 12 October 2005

Certificate of Service

I hereby certify as attested by my signature above that I served by First Class Mail on the date of said signature a true copy of the above document upon AUSA Smith at the U.S. Courthouse in Boston.